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Ex-F.B.I. Agent Charges Government Misconduct

By JUDITH CUMMINGS

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LOS ANGELES, May 3 — Lawyers for Richard W. Miller, a former agent of the Federal Bureau of Investigation who is accused of espionage, said Friday that a United States Attorney here had told Mr. Miller's psychotherapist she was required to discuss his case with Federal investigators, thereby violating the confidentiality of that relationship.

The charge was contained in a motion filed in Federal District Court asking that the espionage indictment against Mr. Miller be dismissed. The matter is scheduled to be taken up in a

hearing before Judge David V. Kenyon next Tuesday.

Mr. Miller is accused of conspiring with Svetlana and Nikolay Ogorodnikov, a Russian emigré couple, to pass secret bureau documents to the Soviet intelligence services. The couple's trial is under way.

Dr. Joan Rogers Bourne Glad, a clinical psychologist, treated Mr. Miller from May through August, 1984. Mr. Miller has said his relationship with Mrs. Ogorodnikov began last May and continued until their arrest Oct. 2. The Government says the espionage conspiracy was conducted in this period.

In a written declaration accompanying Mr. Miller's motion, Dr. Glad said she was visited last November by two bureau agents who "inquired of my professional treatment of Mr. Miller." When she refused to talk to them, she said, they referred her to the United States Attorney's office.

In March, she said, she was interviewed by Robert C. Bonner, the United States Attorney for the Central District of California. Dr. Glad said Mr. Bonner had told her "that Federal law supercedes" state laws providing privacy between therapists and patients.

"But for the advice and instructions I was given" by the Federal officials, she said, "I would not have discussed

with anyone those matters that were covered by my obligations of confidentiality." She said she had since learned that patient confidentiality was protected until otherwise ordered by a court.

Mr. Miller's lawyers asserted that the action was "clear and indefensible Government misconduct" and grounds for dismissal of the charges against Mr. Miller. If they are not dismissed, the motion said, the Mr. Bonner and the bureau should be removed from the case.

Outburst by Mrs. Ogorodnikov

Meanwhile, as the trial of the Ogorodnikovs continued, another former agent, John E. Hunt, completed his third day of cross-examination Friday. As Mr. Hunt answered exacting defense questions about whether he had

had a romantic relationship with her, Mrs. Ogorodnikov suddenly began shouting.

"You lie! You lie!" she screamed at Mr. Hunt. The jury, out of the courtroom on a break, did not hear the outburst.

Mrs. Ogorodnikov has maintained that she was an informer, not a spy, and that she fell in love and was intimate with Mr. Hunt while he was working with her. She acted as she did, the defense maintains, because of instructions from the bureau, not because she was a Soviet spy.

Mr. Hunt testified he met with Mrs. Ogorodnikov 56 times from May 1982, when he was assigned to her case, to the end of the year, when the bureau abandoned efforts to use her as an informer.

Under questioning by Gregory Stone, one of Mrs. Ogorodnikov's lawyers, Mr. Hunt said that Mrs. Ogorodnikov never attempted to obtain any classified information from him. Nor did she ask him for any information about any Soviet defectors, he testified.

"On occasions," Mr. Hunt said, it was difficult to get her to talk about things that might shed light on counter-intelligence because she wanted to talk instead about "social" matters.